

### **REMARKS**

Notwithstanding the indication of allowability of claims 13-16 made in the outstanding Office Action, reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

By this Amendment, Figs. 1-6 are amended, the specification is amended, and claims 1, 6-9, 12 and 16 are amended to at least correct minor grammatical errors and to conform the claims according to commonly accepted US patent practice. In addition, new claims 17 and 18 are added to secure an appropriate scope of protection to which Applicant is believed entitled. Support for the added claim is believed to be found in at least Figs 1 and 5. No new matter is presented in this Amendment.

#### **Amendments to the Specification**

The specification is amended at page 3, line 34 to replace the word "hose" with "tube," to maintain the same descriptive terminology throughout the specification. In addition, "mesh sleeve" is annotated with reference character 13, at page 4, lines 29 and 31, as depicted in Figs. 1 and 5.

#### **Amendments to the Drawings**

The Patent and Trademark Office (PTO) objects to the figures for having unnecessary engineering nomenclature, e.g., dimension scales, and extraneous titles and text. Figs. 1-6 are amended to obviate the objection. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

#### **Claim Objections**

The PTO objects to the claims because of informalities. Regarding claim 1, Applicant amends the preamble and the claim elements to more clearly recite the claim with respect to scope.

Regarding claim 6, the claim is amended to clarify wherein an elastic tube surrounds the holding element, and a part thereof forms the elastic wall on the first end of the holding element.

In addition, claims 7-9 are amended to depend from claim 6 that recites "wherein an elastic

tube surrounds the holding element.” Accordingly “the elastic tube,” as recited in claims 7-9 finds antecedent support in claim 6.

Still further, claim 16 is amended to depend from claim 15 that provides proper antecedent basis for the term “an opening,” as recited in claim 16.

Based upon the preceding amendments, withdrawal of the objection to the claims is respectfully requested.

### **Claim Rejections under 35 U.S.C. §112**

The (PTO rejects claims 1, 7, 9, and 12 under 35 U.S.C. §112, second paragraph, asserting that the claims are indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The claims are amended to obviate the rejections for the reasons below.

Claim 1 is amended to recite wherein a holding element is configured to have “a threaded bar extend from a first end thereof,” to clarify the relationship between the holding element and the threaded bar.

Claims 7 and 9 are amended to remove the phrases that include the word “preferably.”

Claim 12 is rewritten to depend from claim 1 and to conform the claim in accordance with commonly accepted US patent practice.

Furthermore, the outstanding Office Action indicates that independent claim 12 and dependent claim 7 were not rejected over applied art. Based upon the amendments to claims 7 and 12 that obviate the claim objections and rejections under 35 U.S.C. §112, Applicant respectfully submits that claims 7 and 12 are allowable.

### **Claim Rejections under 35 U.S.C. §103**

Claims 1-6 and 9-11 stand rejected under 35 U.S.C. §103(a) over Hoffmann et al. (US 5,007,780). In addition, claim 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hoffmann in view of Fischer et al. (US 4,893,974).

Applicant respectfully submits that the claims are amended solely to obviate the claim objections and claim rejections under 35 U.S.C. §112, as submitted above, and that claims 1-6 and 9-11, as presented below, are believed to be patentable over the applied art for the failure of the applied art to not only disclose, teach or suggest all of Applicant's recited claim features, but in addition fails to present any apparent reason to combine references or modify prior art to create the Applicant's allegedly obvious claim elements.

As amended, claim 1 recites, *inter alia*, a holding element configured to have a threaded bar extending from a first end thereof, wherein on its first end, the holding element has an "annular space" with a wall made of an elastic material. Hoffmann does not suggest this feature.

In paragraph 7 of the Office Action, the PTO alleges that Hoffmann includes "an annular space, described as a portion of the passageway having a radial surrounding recess in the form of internal threads 1b for a threaded bar." Applicant respectfully submits that the PTO has mischaracterized Hoffmann and that nowhere does Hoffmann suggest the recited "annular space."

Hoffmann appears to only disclose an attachment element comprising a dowel sleeve and a bag-like member. The dowel sleeve comprises a passageway and openings through which a hardenable mass can be injected into the bag-like member. The only reference Hoffmann makes to internal threads 1b is at column 4, lines 40-42, wherein Hoffmann only states that "[a]djacent the second end, the passageway has an internal thread 1b for connecting a load to the attachment element. Applicant submits that the definition of "annular," as appears at <http://www.merriam-webster.com/dictionary/annular>, is "relating to, or forming a ring." Indeed, Figs. 1-3 of Hoffmann clearly indicate that although Hoffmann's part 2 may be characterized as Applicant's recited holding element, nowhere does Hoffmann disclose, teach, or suggest a ring like space disposed on a first end of the holding element, as recited in claim 1.

Furthermore, because the device of Hoffmann fails to include an annular space separate from the passageway in the dowel sleeve 1, the hardenable mass has to be injected directly into the dowel sleeve, which thereby may be contaminated. In contrast, claim 1 recites wherein the holding element has a separate "channel extending from the annular space to a second end," at which the hardenable mass is injected. Notwithstanding Applicant's position that Hoffmann's sleeve for receiving a threaded attachment fails to suggest the recited channel, because Hoffmann fails to disclose an annular space, as presented above, Hoffmann likewise fails to disclose the channel, as

recited in claim 1.

Therefore, because Hoffmann neither discloses an annular space nor a channel extending therefrom, which is closed by a valve disposed on the second end, the subject matter of claim 1 is not obvious based on the reaches of Hoffmann.

Claim 2-6 and 9-11 depend from independent claim 1 and are likewise patentable over the asserted combination of references for at least their dependence on an allowable base claim, as well as for the additional features they recite.

Regarding the rejection of claim 8 over Hoffmann in view of Fischer, Applicant respectfully submits that Fischer, in a manner similar to Hoffmann, appears to only disclose injecting a hardenable mass into a stopper 8 inserted into a mouth of shaft 1. Applicant submits that, as discussed above, independent claim 1, from which claim 8 depends, is patentable over Hoffmann at least due to the failure of Hoffmann to suggest an annular space and a channel extending from the annular space. The alleged combination of Hoffmann in view of Fischer likewise fails to disclose at least these features.

Therefore, Applicant respectfully submits that the combination of Hoffmann in view of Fischer fails to disclose, teach or suggest all the features recited in claim 1. Accordingly, claim 1 is patentable over the applied references, and claim 8 is likewise patentable over the asserted combination of references at least in view of its dependence on claim 1.

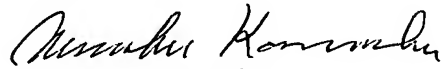
Based upon the above, withdrawal of the obviousness type rejection over Hoffmann singularly, or in any allowable combination with Fischer, is respectfully requested.

## **Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-17 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Enclosures:

Replacement Drawings

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